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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,833	02/07/2002	Von K. McConnell	1811	2846
28005	7590	01/04/2006	EXAMINER	
SPRINT			SHIN, KYUNG H	
6391 SPRINT PARKWAY			ART UNIT	
KSOPHT0101-Z2100			PAPER NUMBER	
OVERLAND PARK, KS 66251-2100			2143	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/071,833

Applicant(s)

MCCONNELL ET AL.

Examiner

Kyung H. Shin

Art Unit

2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-41.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

12/16/05 KHS


DAVID WILEY
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Response to Remarks

1.1 Applicant argues that the referenced prior art does not disclose "... the endpoint application to which the session initiation message is sent. Rather, the CD is only an endpoint to which a response SIP message is sent ..." (see Remarks Page 14, Lines 15-16)

The Maggenti (6,477,150) prior art discloses a communications entity (i.e. a Communications Manager (CM)), which can be a UNIX type server system operating within a network environment. Therefore, the CM is a network entity. (see Maggenti col. 2, lines 33-38; col. 15, lines 38-44) In addition, the Maggenti (6,477,150) prior art discloses multiple Communications Devices (CDs), which can be any type of computer device with network communications capabilities such as a desktop computer (i.e. a user, a client, an application server). Therefore, the CD is also a network entity. (see Maggenti col. 4, lines 5-12; col. 2, lines 33-38)

The Maggenti (6,477,150) prior art discloses the capability for the CM to enable and facilitate network communications between two CDs (i.e. Communications Device). (see Maggenti col. 3, lines 55-63) The Communications Manager (CM) operates analogous to a proxy server or proxy interface (i.e. communications interface) for data (i.e. network) packets transmitted between two CDs. (see Maggenti col. 7, lines 43-46; col. 8, lines 20-24)

1.2 Applicant argues that the referenced prior art does not disclose "... the network entity responsively extracting from a data store a set of data usable by an application server to carry out a communication service in response to the signaling message ..." (see Remarks Page 12, Lines 21-22)

The Maggenti (6,477,150) prior art discloses a database for the CM, which contains user specific information (i.e. a user profile) for multiple users (i.e. clients, CDs). (see Maggenti col. 7, lines 15-28) The Maggenti (6,477,150) prior art discloses a database for a CD, which contains user specific information for a subset of users (i.e. clients, CDs). (see Maggenti col. 11, lines 20-23; information pertaining to communications) It would be obvious to anyone skilled in the art to access, extract, and manipulate the user specific information within the CM or CD database(s) to setup and manage a communications session between two network endpoints. The Maggenti (6,477,150) prior art discloses that the member (i.e. user, client, CD) information within these database is utilized to initiate and manage communications between network endpoints.

1.3 Applicant argues that the referenced prior art does not disclose "... outputting the session initiation message for transmission to the endpoint application and making the set of data available for use by the endpoint application to set up the communication ..." (see Remarks Page 13, Lines 20-22)

The Maggenti (6,477,150) prior art discloses the capability to initiate a communications session, which is initiated utilizing the Session Initiation Protocol (SIP) standard protocol, between two network endpoints (i.e. CDs). SIP is a protocol based on the IETF RFC2543 standard, which was developed for the initiation and termination of a communications session between two network endpoints. In addition, SIP has the capability for network communications utilizing a proxy server or communications interface device. The Communications Manager (CM) operates analogous to a proxy server (i.e. communications interface). (see Maggenti col. 7, lines 43-46; col. 8, lines 20-24)

By definition, SIP is session management process: "... SIP is a request-response protocol, dealing with requests from clients ... and responses from servers ... Requests can be sent through any transport protocol, such as UDP, SCTP, or TCP. SIP determines the end system to be used for the session, the communication media and media parameters, and the called party's desire to engage in the communication. Once these are assured, SIP establishes call parameters at either end of the communication, and handles call transfer and termination. ..." (i.e. clients and servers, equivalent to Communications Devices (CDs))

(1.http://searchnetworking.techtarget.com/sDefinition/0,,sid7_gci541639,00.html)

(2.<http://www.cconvergence.com/article/CTM20000608S0019>)

Once the user specific information is obtained from the database, SIP conveys information, from endpoint 1, about the protocol to be used to describe the session to endpoint 2 (i.e. application server). Once SIP delivers the session description information to endpoint 2, SIP delivers the response (i.e. acceptance or rejection) from endpoint 2 to endpoint 1. SIP also negotiates a common format for describing the communications session. This communications takes place through the CM interface between the two endpoints (i.e. CDs).

1.4 In response to applicant's argument that Maggenti (6,477,150) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, the Maggenti (6,477,150) prior art discloses the capability to: (a) enable operation of network entities, (b) initiate a communications session between two network connected endpoints, (c) utilize user specific information to facilitate a communications session, and (d) transmit the information (i.e. including user specific information) from the first to the second network endpoints to initiate and manage a communications session.

1.5 The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Furthermore, in response to applicant's arguments against the reference individually, one cannot show nonobviousness by attacking references individually where rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

1.6 The reference number 29 which was missed for an initial is corrected on the Form PTO-1449 filed Nov. 10, 2003. The us Patent Application publication 2003/0149774 is removed on the PTO-892.

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